

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EUGENE JARAMILLO,

Plaintiff,

v.

CIV 12-155 JAP/GBW

TIM HATCH, SHANNON HAISTEN,  
DEAN TORRES, & CHERYL FRASIER,

Defendants.

**ORDER GRANTING LEAVE TO AMEND**

THIS MATTER is before the Court on Plaintiff's Motion for Leave to File an Amended Complaint ("Plaintiff's Motion"). *Doc. 5.*

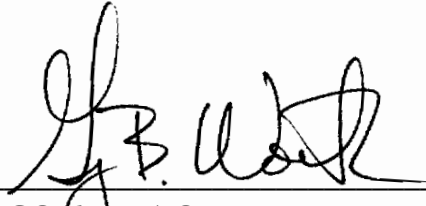
Federal Rule of Civil Procedure 15 provides that "[a] party may amend its pleading once as a matter of course within . . . 21 days after serving it . . . ." Fed. R. Civ. P. 15(a)(1)(A). Plaintiff filed his Complaint on February 17, 2012 and no defendants have yet been served. *See doc. 1.* Therefore, Plaintiff's proposed amendment is within Rule 15's "matter of course" time limit. As this is Plaintiff's first amendment, the Court will grant Plaintiff's Motion.

Plaintiff is proceeding *pro se*, so his pleadings are construed liberally. It appears to the Court that the allegations contained within Plaintiff's Motion are meant to supplement, not replace, the allegations within Plaintiff's Complaint. Therefore, the

Court will proceed as if Plaintiff had filed a single Amended Complaint which contains the allegations of the original Complaint and Plaintiff's Motion.

Wherefore, IT IS HEREBY ORDERED that Plaintiff's Motion, (*doc. 5*), is GRANTED.

IT IS FURTHER ORDERED that the allegations in Plaintiff's original Complaint and Plaintiff's Motion shall be read together and deemed Plaintiff's Amended Complaint.



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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE